

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: W. Kurt Dobson
 Dirk Ostermiller
 Sy Prestwich
 Scott Bevan

ASSIGNEE: Spectrum5, Inc.

SERIAL NUMBER: n/a

DATE FILED: n/a

TITLE: A MATCHED FILTER FOR SCALABLE SPREAD SPECTRUM
 COMMUNICATIONS SYSTEMS

ATTORNEY DOCKET: 4501 P

Mail Stop: PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2231301450

DECLARATION FOR PATENT APPLICATION

Honorable Commissioner:

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled A MATCHED FILTER FOR SCALABLE SPREAD SPECTRUM COMMUNICATIONS SYSTEMS, the specification of which

☐ is attached hereto
☐ was filed on _____
as Application Serial No. _____
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Date)	
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Date)	
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Date)	

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

Prior Provisional Application(s)	
_____	_____
(Application No.)	(Filing Date)
_____	_____
(Application No.)	(Filing Date)
_____	_____

(Application No.)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior United States Application(s):

_____	_____	_____
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)

_____	_____	_____
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)

_____	_____	_____
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)

Power of Attorney

I hereby appoint Lloyd W. Sadler (Reg. No. 40,154) and Daniel P. McCarthy (Reg. No. 36,600) as my representatives and attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. All communications should be directed to Mr. Sadler at the following address or telephone number:

Lloyd W. Sadler
 PARSONS BEHLE & LATIMER
 201 South Main Street, Suite 1800
 Salt Lake City, Utah 84111
 (801) 532-1234 - telephone
 (801) 536-6111 - facsimile

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and

further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: W. Kurt Dobson

Residence of inventor:

Address: 6 S. Quietwood Lane

City: Sandy

State: Utah 84092

Citizenship: U.S.A.

Post Office Address of Inventor:

Address: 6 S. Quietwood Lane

City: Sandy

State: Utah 84092

Inventor's Signature:

W. Kurt Dobson Date: 9/19/2003

Full name of inventor: Dirk Ostermiller

Residence of inventor:

Address: 1802 E. London Plane Road

City: Holladay

State: Utah 84124

Citizenship: U.S.A.

Post Office Address of Inventor:

Address: 1802 E. London Plane Road

City: Holladay

State: Utah 84124

Inventor's Signature:

Dirk Ostermiller Date: 9/19/2003

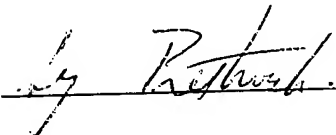
Full name of inventor: Sy Prestwich

Residence of inventor:

Address: 2842 W. 12875 South

City: Riverton

State: Utah 84065
 Citizenship: U.S.A.
 Post Office Address of Inventor:
 Address: 2842 W. 12875 South
 City: Riverton
 State: Utah 84065

Inventor's Signature:  Date: 9/19/2003

Full name of inventor: Scott Bevan
 Residence of inventor:
 Address: 849 E. 2180 North
 City: Lehi
 State: Utah 84043
 Citizenship: U.S.A.
 Post Office Address of Inventor:
 Address: 849 E. 2180 North
 City: Lehi
 State: Utah 84043

Inventor's Signature:  Date: 9/19/03

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**VERIFIED STATEMENT (DECLARATION)
CLAIMING SMALL ENTITY STATUS**

**--INDEPENDENT INVENTOR--
(37 CFR 1.9(c), (f) and 1.27(b))**

Honorable Commissioner:

As the below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR § 1.9(c) for the purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled **A MATCHED FILTER FOR SCALABLE SPREAD**

SPECTRUM COMMUNICATIONS SYSTEMS described in a patent application filed herewith.

I have not assigned, granted, conveyed or licensed and I am not under any obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the due date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

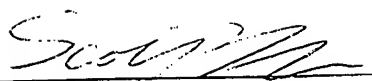
I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature of Inventor: W. Kurt Dobson Date: 9/18/2003
Name of Inventor: W. Kurt Dobson

Signature of Inventor: Dirk Ostermiller Date: 9/19/2003
Name of Inventor: Dirk Ostermiller

Signature of Inventor: Sy Prestwich Date: 9/19/2003
Name of Inventor: Sy Prestwich

Signature of Inventor:
Name of Inventor:

 Date: 9/19/03
Scott Bevan

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**VERIFIED STATEMENT (DECLARATION)
CLAIMING SMALL ENTITY STATUS**

**--SMALL BUSINESS CONCERN--
(37 CFR 1.9(f) AND 1.27(c))**

Honorable Commissioner:

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern identified below and that
I am empowered to act on behalf of said Inc.:

NAME OF CONCERN: Spectrum5, Inc.
 ADDRESS OF CONCERN: 11781 Lone Peak Parkway
Suite 200
Draper, Utah 84020

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.3-18, and reproduced in 37 CFR § 1.9(d) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the business concern, including those of its affiliates, does not exceed 500 persons. For the purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **A MATCHED FILTER FOR SCALABLE SPREAD SPECTRUM COMMUNICATIONS SYSTEMS** by the above-named inventors described in

- ☒ the specification filed with this declaration.
- ☐ application Serial No. _____, filed _____.
- ☐ Patent No. _____, issued _____.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d), or a nonprofit organization under 37 CFR § 1.9(e).

- ☒ no such person, concern or organization exists.
- ☐ each such person, concern or organization is listed below:
 NAME: _____
 ADDRESS: _____

- ☐ INDIVIDUAL
☐ SMALL BUSINESS ENTITY
☐ NONPROFIT ORGANIZATION

I acknowledge the duty of the small business concern to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the due date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

On Behalf of:

Assignee:

TITLE OF PERSON SIGNING:

Spectrum5, Inc.

W. Kurt Dobson

SIGNATURE:

W. Kurt Dobson

DATE: 9/18/2003